REPORT of the Provincial Advocate for Children and Youth 2007

"I was locked in segregation for 18 hours until I called the Advocacy Office. They helped."
- 17 year old youth

"The system can be so complicated. If it were not for you my daughter would not have any services. I would have had to put her in care."
- Mother of 10 year old autistic child

"When I know about my rights I can talk to staff and then they listen."
- 15 year old boy in secure treatment

Office of the Provincial Advocate for Children and Youth

Bureau de l'intervenant provincial en faveur des enfants et des jeunes

January 18, 2008

The Honourable Steve Peters
Speaker of the Legislative Assembly of Ontario
Room 180, Legislative Building
Legislative Assembly
Province of Ontario
Queen's Park

Dear Speaker:

In accordance with Section 21 of the *Provincial Advocate for Children and Youth Act, 2007*, I am pleased to present the 2007 report of the Office of the Provincial Advocate for Children and Youth of Ontario for your submission to the Legislative Assembly of Ontario.

This report covers the period from October 5th, 2007 to December 31st, 2007.

Sincerely,

Agnes Samler
Provincial Advocate

250 Davisville Avenue, Suite 503, Toronto, Ontario M4S 1H2 Tel: (416) 325-5669 FAX: (416) 325-5681 Toll Free: 1-800-263-2841 TTY: (416) 325-2648
250, avenue Davisville, bureau 503, Toronto, Ontario M4S 1H2 Tel : (416) 325-5669 FAX: (416) 325-5681 Sans frais: 1-800-236-2841 ATS: (416) 325-2648

Report of the Provincial Advocate for Children and Youth

The *Provincial Advocate for Children and Youth Act* was developed to provide, for the first time in Ontario, an independent voice for children and youth. On October 5th, 2007 the Provincial Advocate was officially made an Officer of the Legislature, and now reports directly to the Legislative Assembly. Formerly known as the Office of Child and Family Services Advocacy, the Office was established in 1978 and was the first of its kind in North America.

The Provincial Advocate for Children and Youth is authorized to advocate for the rights and interests of children and families who are receiving or seeking services under the *Child and Family Services Act*, young persons being dealt with under the *Ministry of Correctional Services Act,* students of provincial schools for the deaf and blind or demonstration schools under section 13 of the *Education Act*, and provides for other advocacy as permitted under any other Act. The Advocate may not represent a child or youth before a court or tribunal.

The function of the Provincial Advocate includes both individual and systemic advocacy. The Advocacy Office is responsible to ensure that children/youth in care know and understand their rights and that the laws protecting children from abuse or harsh treatment are respected. The Provincial Advocate also provides advice and recommendations to entities including governments, agencies and service providers responsible for services for children and youth. Education of the public with regard to advocacy and the rights of children is an important part of the Advocate's work.

The United Nations Convention on the Rights of the Child determines the principles that guide the work of the Office. The Act also makes reference to meaningful involvement of children and youth in all aspects of the Office's advocacy services.

I am deeply honoured to be the first independent Advocate for Children and Youth directly accountable to the Legislature and have undertaken to fill the position until the Legislature identifies a new Provincial Advocate through an all-party process. During this interim period, I welcome your interest and support.

Respectfully submitted,

Agnes Samler
Provincial Advocate

Background

This report will be brief as the Office have been in existence for only three months. However, it will provide an opportunity to outline an overview of some of the current work of the Advocate's Office and identify some of the initiatives planned for the coming year.

The work of the Advocate's Office includes individual and systemic advocacy, advocacy on policy issues and public education and engagement. These categories are not mutually exclusive as issues raised through a contact with an individual youth could lead to a systemic review and a review of an agency might raise concerns related to an individual child or youth.

Individual Advocacy

The Office receives approximately 3500 calls each year. In some cases, the issue or concern raised can be addressed within a short time frame. Other calls reflect complex needs, serious gaps in service or situations where existing policies and procedures are not being followed, resulting in a detrimental effect on a young person. Many of these situations require extensive work to achieve resolution. Finally, we also receive desperate cries for help from young people who are being physically, emotionally or sexually abused or whose basic human rights are being seriously violated. For many of these young people, calling the Office is an act of courage as they often risk further punishment or retaliation for making the call. Involvement of the police and/or child welfare agencies is often required to rectify these situations.

Systemic Advocacy

Prior to the passing of the new Act, the former Office of Child and Family Services Advocacy, located in the Ministry of Children and Youth Services, completed a report on quality of care issues in three Children's Aid Societies. A copy of this report is attached. The report contains twenty-six (26) recommendations and over the next year we will be following up those recommendations with the appropriate Ministries, agencies or oversight bodies.

Reviews of other Children's Aid Societies are continuing. The purpose of a review is to gather information, in a systematic manner, about the perceptions of young people with regard to the care they are receiving in settings such as residential care or custody facilities. The review of the York Region CAS has just been completed and a review of the Durham CAS is in progress. Agencies are selected for review on the basis that the process will provide additional and useful information. For example, the Durham CAS has a large number of kinship care cases and the review will provide important information about this approach as it is implemented as an option for children in care by other Children's Aid Societies across the province.

There are also several reviews underway involving residential facilities. In these cases, the Advocate's Office often works closely with the Ministry responsible for licensing and overseeing the group home or facility to ensure that essential changes are made and sustained over time. Education on the rights of children and assessing the quality of care from the point of view of the residents, are important components of these reviews.

One issue, which has been raised with the Advocate's Office by young people and by members of the judiciary, is the progression into the youth justice system of young people originally taken into the care of a Children's Aid Society. The Office is currently examining this matter.

Over the next year, we will also engage in dialogue with other interested parties on the issue of youth leaving the care of the Children's Aid Societies. The focus will be on ensuring that young people have the resources, voice and contacts to successfully make the transition to independent living.

With regard to young people in the education system, the recent report by Julian Falconer commissioned by the Toronto District School Board following the shooting death of Jordan Manners, contained recommendations directed specifically to the Provincial Advocate.

The recommendations are that the Provincial Advocate conduct a 'systemic review' of Westview Centennial Secondary School and the First Nations School in Toronto. These reviews are not intended to focus on the education system itself, but rather to provide an independent voice for the young people in the two schools and to ensure that their concerns are brought forward to the Legislature. I am pleased to report that the Minister of Education, the Honourable Kathleen Wynn, has offered her full cooperation to the Provincial Advocate in

carrying out this task. The Director of the Toronto District School Board, Gerry Connelly, will be recommending to the Board of Trustees that they also lend their full support.

One of the most effective supports to the work of the Advocate's Office on systemic issues is the Inter-Ministerial Provincial Advisory Committee (IMPAC). This is a committee comprised of community experts on children's issues, representatives from the Ministries of Children and Youth Services, Community and Social Services, Health and Education, and representatives from the Advocacy Office. IMPAC is chaired by a community representative member and provides a forum to review the most challenging cases from across the Province and to make recommendations for the resolution of those cases. It is also one of the few opportunities for several Ministries to come together to problem-solve around an individual child or family and to identify underlying system barriers.

Policy Advocacy

The former Office of Child and Family Services Advocacy had requested and received standing at the inquest on an aboriginal youth who had committed suicide by hanging while in custody. It was a tragic event and there were a number of recommendations arising from this inquest. Recommendations were directed to the Ministry of Community Safety and Correctional Services and to the Ministry of Children and Youth Services that, in consultation with the Advocate's Office, the Ministries create provincial standards and policies for the transfer of youth to the adult correctional system and develop a protocol by which information is shared between an adult facility and a youth centre in the event of a youth transfer. I am pleased to report that we are currently working with the relevant Ministries to address these recommendations.

A second recommendation from that inquest was that a Deputy Advocate be created whose office and staff are located in Northern Ontario. We have heard consistently from aboriginal leaders in the north that approaches designed in Toronto are not helpful in addressing the realities of aboriginal communities. To avoid that problem, it is our intent to employ an Advocate who is aboriginal and lives in the north to provide the Advocate's Office with advice as how best to develop an advocacy capacity in northern communities.

The federal government has proposed changes to the *Youth Criminal Justice Act* (YCJA) to allow deterrence to be considered in sentencing decisions. A request has been made to the federal Minister of Justice to delay these amendments to the YCJA until the full review of the legislation, which is scheduled to take place in 2008. This would allow for the implications of the proposed amendment to be thoroughly considered in conjunction with other proposed amendment to the YCJA.

Other Issues

The involvement of youth in all aspects of the work in the Advocate's Office is an important principle of the new Act. The Office will engage young people across the province, partnering with youth organizations to create systemic change. Youth will be provided with opportunities to participate in advocacy efforts through research, report writing, and providing workshops on self-esteem and children's rights.

In a province as diverse as Ontario, the Advocate's Office will also need to identify ways to reach out to multi-cultural groups through presentations, written material as well as engagement in the work of the Office.

Finally, I would be remiss if I did not thank all of the staff in the Advocate's Office for their work over the past year, particularly during the time of transition. They are passionate about children's rights and steadfast in their commitment to improve the lives of children and youth in the Province. I am grateful to have their expertise and support.

Agnes Samler
Provincial Advocate
January 14th, 2008